GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal petition filed by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda, R/o Visakhapatnam District against the proceedings Rc.No. 842/2000 C1, dt.11.01.2004 of the District Collector, Srikakulam- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 12 Dated: 07-02-2018
Read the following

1. Proceedings of the District Collector, Srikakulam, Rc.No.842/2000 C1, dt.11.01.2004.
2. Appeal Petition filed by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda, VSP District before M(TW), dt.10.02.2004.
3. Govt. Memo No.1478/CV.2/2004, dt.05.03.2004 .
4. From the District Collector, Srikakulam, Lr.No.Rc.842/2000 C1, dt.04.07.2004.
5. Govt. Memo No.1478/CV.2/2004, dated 01.08.2006, 22.09.2006, 11.10.2006, 05.06.2007, 07.11.2007,19.03.2008, 22.07.2008, 25.06.2012, 26.07.2012, 27.05.2015, 16.10.2015, 12.11.2015, 07.12.2016, 12.01.2017 & 29.05.2017.
6. Govt. Memo No. 1478/CV.2/2004, dated 18.08.2017.
7. Written arguments filed by the appellant through her Counsel before the Appellate Authority on 16.09.2017.

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ORDER:

In the reference 1st read above, the District Collector, Srikakulam has issued orders canceling the ST–Holva Caste Certificate obtained from the then Tahsildar, Palakonda in the year 1983 by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda.

2. In the reference 2nd read above, Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Srikakulam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Srikakulam and called for the parawise remarks and connected records from the District Collector, Srikakulam in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Srikakulam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda.

4. The said Appeal Petition has been posted for hearing on 05.08.2006, 29.09.2006, 28.10.2006, 14.06.2007, 20.11.2007, 27.03.2008, 04.08.2008, 09.07.2012, 06.08.2012, 20.06.2015, 31.10.2015, 28.11.2015, 24.12.2016, 24.01.2017, 17.06.2017 and finally on 16.09.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the references 5th & 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. In the reference 7th read above, the appellant has filed written arguments through his Counsel before the Appellate Authority in support of her ST-Holva community claim.

[P.T.O]

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant/ the parawise remarks submitted by the District Collector, Srikakulam and proceedings of the District Collector, Srikakulam dated 11.01.2004, the Appellate Authority has observed that:

I. The appellant in her grounds has stated that her father belongs to ST-Holva community and his caste noted as Holva in Birth Certificate in the Register of Admissions and Withdrawals of 1934 of A.P.U.P. School of Paralakhemundi, Ganjam District, Orissa and his caste is 'Holva' but not Oriya Brahmin and also there is no caste like Oriya Brahmin but they are calling themselves as Oriya Brahmins. Further she has stated that there is no necessity for the appellant or her father to change their original caste.

II. The District Level Scrutiny Committee is observed that the matter was enquired by the MRO, Kotturu and reported that Sri Bheema Chandra Panda F/o Panda Rajyalakshmi resided in his father-in-laws house in Sirsuvada village about 40 years back. It was also not known that from where he came to Sirsuvada village and after he migrated to Visakhapatnam. No properties lie in Sirsuvada (V), Kotturu Mandal of Srikakulam District, during local enquiry it is revealed that all Oriya speaking people in Sirsuvada(V) belong to Oriya Brahmin" community. The Birth &Death registers of 1950 and 1956 of Sirsuvada village shows that the persons who are having the surnames of "Panda" "Palo" Padhi" and "Patro" were registered as Brahmin community but not Holva ST community. She never resided in Sirsuvada and Veeraghattam villages in Srikakulam District. She mislead the then Tahsildar, Palakonda by misrepresented the facts and obtained false caste certificate as HOLVA(ST). The DLSC, after perusing all the documents and reports of the Committee members as well as departmental enquiry reports heard the arguments of the candidate's lawyer, the committee unanimously decided that she belongs to Oriya Brahmin but not ST and hence recommended to the Collector for cancellation of the Holva ST caste certificate. The District Collector, Srikakulam perused all records, report and written arguments filed by the appellant's lawyer and in accordance with Government rules and also findings of the DLSC, came to conclusion that the individual belongs Oriya Brahmin, but not Holva(ST) and cancelled vide proceedings dt 11.1.2004.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of arguments that the appellant submitted her arguments that the District Collector has not at all touch authentic documentary textual evidence and DLSC(District Level Security Committee) failed to conduct the enquiry regarding the community habits and she belongs to ST Holva Caste. On verification of the arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that the Surname panda registered as Brahmin Community and the school records and the extract of birth and death registers shows that the individual belongs to Oriya Brahmin community but not Holva Community. It is also observed that the appellant in her grounds has stated that there is no caste like Oriya Brahmin is not correct as per the Birth & Death Registers of 1950 & 1956, there is a caste registered as Oriya Brahmin to certain people at Sirsuvada Village. The order of the lower authority is comprehensive one and the same is as per law which needs no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the Learned District Collector, Srikakulam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference .

[Contd.. on P.3]

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda, does not deserve any interference. Hence, Proceedings of the District Collector, Srikakulam issued vide Rc.No. 842/2000 C1, dt.11.01.2004, is hereby upheld and the Appeal Petition filed by Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda, is hereby dismissed and the Certificate issued by the then Tahsildar, Palakonda deemed to be cancelled and the interim stay granted earlier stands vacated.

7. The District Collector, Srikakulam is directed to take necessary consequential action in the matter.

8. The records (containing Rc.No. 842/2000 C1, dt.11.01.2004, pages CF: 1-722 & NF: 1-78- III Volumes) received from the District Collector, Srikakulam through the reference 4th read above, are returned herewith in original to the District Collector, Srikakulam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Srikakulam.
(with original records) (BY RPAD)

The Tahsildar, Kotturu, Srikakulam District.

The Tahsildar, Palakonda, Srikakulam District .

Smt. Panda Rajya Lakshmi D/o Bheema Chandra Panda,
1-108, Bajee Junction, Visakhapatnam-530027.

The Senior Manager,Canara Bank,
HRM-Section, 2nd Floor,
Padmavathi Towers, Siripuram Junction,
Visakhapatnam, A.P.- 530020.

The Senior Manager, Canara Bank,
HRM-Section, Circle office,
Opp: Old MLA Quarters, Hyderguda,
Hyderabad 500029.

Copy to :

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Prl. Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER